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ATTORNEYS FOR PLAINTIFF JANE DOE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JANE DOE, an individual using a
pseudonym,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
RASIER, LCC, RASIER CA, LLC,

Defendants.

Case No. 3:19-cv-03310-JSC

**OPPOSITION TO MOTION FOR
ISSUANCE OF LETTERS ROGATORY**

Judge: Hon. Jacqueline Scott Corley
Date: January 27, 2022
Time: 9:00 a.m.
Crtrm.: Courtroom E, 15th Floor

**Assigned to Magistrate Judge
Jacqueline Scott Corley**

Action Filed: June 12, 2019
Trial Date: September 12, 2022

Plaintiff opposes the motion as untimely in the context of this litigation. The discovery cut off in this case was recently extended at Uber's request to January 17, 2022. Even if the motion were granted, there would not be sufficient time for Defendants to take Mr. Padilla's deposition before the fact discovery cut off.

Defendants have known about Mr. Padilla and his knowledge of relevant facts since before this case was filed. Uber representatives interviewed Mr. Padilla several

1 times in the two days following the subject kidnap and assault of Plaintiff and before
 2 Plaintiff had retained counsel. Defendants have always known his identity and his
 3 role in the summoning of an Uber ride for Plaintiff.

4 Plaintiff's counsel encouraged Defendants to work cooperatively, and proposed
 5 that the parties schedule a time to travel to Guadalajara and depose Mr. Padilla and
 6 the mental health counselors that Plaintiff saw following the incident, but
 7 Defendants ignored these entreaties. While Defendants had no obligation to work
 8 cooperatively with Plaintiff's counsel, they also took no steps to formally secure Mr.
 9 Padilla's deposition until now, when it was too late to accomplish it before the cut off.

10 In addition, Plaintiff's counsel has agreed that if they call Mr. Padilla to
 11 testify at trial (which can only happen if he agrees to travel to the Bay Area and
 12 testify voluntarily), then that would be conditioned on obtaining Mr. Padilla's
 13 agreement to testify at a deposition before trial. Plaintiff's counsel reiterates that
 14 commitment and will coordinate with counsel for Uber to schedule that deposition as
 15 the trial in this case approaches (and assuming that the case is still active).

16
 17 Dated: December 28, 2021

WALKUP, MELODIA, KELLY & SCHOENBERGER

18
 19 By:



20 MATTHEW D. DAVIS
 21 SARA M. PETERS
 22 ANDREW P. McDEVITT
 23 KELSEY CONSTANTIN
 24 Attorneys for PLAINTIFF JANE DOE
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CERTIFICATE OF SERVICE

Jane Doe v. Uber, et. al.

Case No. 3:19-cv-03310-JSC

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place. My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as:

OPPOSITION TO MOTION FOR ISSUANCE OF LETTERS ROGATORY

to:

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Julian Feldbein-Vinderman, Esq.
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TECHNOLOGIES, INC., RASIER, LLC,
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ONLY BY ELECTRONIC TRANSMISSION: Only by e-mailing the document(s) to the persons at the e-mail address(es) listed based CA Rules of Court, Emergency Rules Related to COVID-19, Emergency rule 12 "Electronic Service" and on notice provided on March 12, 2020 that, during the Coronavirus (COVID-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 28, 2021, at San Francisco, California.



Kirsten Benzien